

OD – 11

ORDER SHEET  
GA 2 OF 2020  
CS 619 OF 1982  
IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

SAIFUDDIN SAFDARALLY & ORS.  
VERSUS  
ISMAIL MOHAMMEDALI

BEFORE:

The Hon'ble JUSTICE ARINDAM SINHA

Date : 15<sup>TH</sup> OCTOBER, 2020.

Appearance :  
Mr. Supratim Laha, Adv.  
For plaintiffs

The Court : Mr. Supratim Laha, learned advocate appears on behalf of surviving plaintiffs. He files affidavit of service to demonstrate, substituted defendant nos.1C, 1D and 1E have been served. He submits, substituted defendant nos.1A and 1B have died. So far as defendant nos.2 and 3 are concerned, postal service could not be made as have been stated in the affidavit. Those defendants have gifted their interest in the property to plaintiff no.1.

Mr. Gupta, learned advocate appears on behalf of defendant no.4. He submits, there is now possibility of settlement. He does not oppose orders being made in terms of prayers. He submits, at this time, at least, there be appointed his client as Joint Receiver along with continuing

Joint Receiver, who is plaintiff no.1, since defendant no.1A, one of the Joint Receivers, has died.

On query from Court, it has been ascertained that defendant no.1 died in January, 2020. The Master's Summons was taken out on 5<sup>th</sup> October, 2020. In the circumstances, defendant no.4 is required to file affidavit dealing with contents of the application, particularly regarding gift of interest.

Mr. Gupta submits, his client will file affidavit on reopening. Let it be filed by 20<sup>th</sup> November, 2020.

List on 25<sup>th</sup> November, 2020.

(ARINDAM SINHA, J.)